

**NEXT FRANK
TRIAL**

**MAY BE HELD
IN**

**CHATHAM
COUNTY**

Believing Their Client
Will

Secure Another
Chance,
Lawyers Declare
Savannah
Desirable Place.

*WITH BITTER
SARCASM*

*RUBE ARNOLD
ARRAIGNS*

*PROSECUTION'S
TACTICS*

Attributes Conviction to Race

Persecution, Biased Jury

And Corrupt Witnesses.

Dorsey Next, Then Hooper

Rosser Concludes.

So confident are they of success in their efforts to gain a new trial, counsel for Leo M. Frank's defense already are looking forward to savannah as the city in which to stage the anticipated second arraignment of their client.

The defense was in high spirits yesterday afternoon over the force and strength of Mr. Arnold's second-day argument before Judge Roan, in the state library. Upon adjournment at 4 o'clock in the afternoon Messrs. Arnold and Rosser left the capitol, frankly expressing their expectation of securing a new trial.

If a new trial is granted on grounds of prejudice and mob feeling, there will unquestionably be a change of venue. In this case, Savannah is decided upon by the defense as being the most logical place in which to hold a second trial. The decision upon a change of venue will be reached by attorneys and the presiding judge in conference.

Looking to Savannah.

It is said that an investigation is being promoted even this early into Savannah as a logical place for change of venue, which will probably be brought about in case of a new trial. Neither Mr. Rosser nor Mr. Arnold would verify this rumor.

They said to a Constitution reporter, however, that Savannah was a desirable place in which to hold a second trial, and that in all probability, the venue would be changed to that city. Its distance from Atlanta and the natural lack of interest the people had likely taken in the Frank case would make it the logical point, they intimated.

"There would be no fever of excitement, no prejudice, no fanaticism, as has been noted locally," they said.

In case a new trial and change of venue are granted, the task of prosecution will be upon the shoulders of the solicitor general of the circuit to which the venue has been shifted. In this event, it will be merely a matter of courtesy on the part of the solicitor of the new circuit to grant Solicitor Dorsey the privilege to prosecute.

The defense of Frank, it is rumored, will try to balk this in case they are successful, by pleading that Dorsey was unfair in his tactics of prosecution Frank, and that it would be unjust for him to participate in the new trial. This, however, has not been verified.

Arnold Charges Race Persecution.

Perhaps the most dramatic utterance in Colonel Arnold's speech Saturday was his declaration that the Frank trial was akin in many respects to the crucifixion of Christ.

"It is the most horrible persecution of a Jew since the death of Christ," he said.

Through his argument frequent and wide reference was made to racial prejudice which he alleged existed poignantly in the trial of his client, and, to which he attributed the greatest effect in Frank's conviction.

"Everywhere," he spoke, "you heard those who believed in his guilt refer to him as 'that damned Jew.' NO one spoke of the merits of the case. It was always, 'that damned Jew,' and nothing else."

Because of repeated reference to certain evidence submitted by the prosecution, Mr. Arnold was forced to discontinue his speech when a number of women attaches of the state library appeared in the room to engage in their duties. The hearing was then continued until 9 o'clock Monday morning.

Assails Detectives.

Much of Arnold's speech was devoted to attacks upon Solicitor Dorsey and the detective department, who, he said, hounded Frank like a pack of wolves, driven on by prejudice and fear that if they shifted to a new trial, public opinion would cause them disaster.

"If there ever was a case in which the seine of prosecution was sent out to drag in the ooze and slime of degeneracy, it was in the Frank trial. Look at Dalton, for instance. He even had a face like a mud cat. You could tell from his very face and speech and deportment that his habitat was the mud."

"They put him on the stand to bolster up the story of the diabolical Conley. Dalton, the filthy, assisting the unutterable Conley. The only reason Dalton's story was believed was because of the highly receptive attitude of the jury mind, which was willing

and ready to believe anything against the defendant, against whom they and much of the public was prejudiced.”

“Dalton begins as a thief and winds up as a moral ferret—and, sadly, is proud of the fact when he tells his miserable story. Your honor unfortunately erred in letting in such testimony, produced by such a person as Dalton. You must remember that Frank was being tried on purely a lone issue, and that issue alone.”

Says State’s Witnesses Rehearsed.

“Then, there was Dewey Howell, the little 15-year-old girl who had been sent to the home of the Good Shepherd in Cincinnati. After much hullabaloo and mystery, she went on the stand and testified that she had seen Frank talking to Mary Phagan and that he had put his hand on Mary’s shoulder.”

“We didn’t cross-examine her. Neither did we cross-examine any of the other character witnesses introduced by the state. These witnesses

Continued on Page Three.

PDF PAGE..., COLUMN 2

were all hostile to Frank. They were coached, rehearsed, prepared to tell their little tales, and, had we cross-examined them, there is no telling on God’s earth what they would have been ready to tell. The Lord only knows what fabrications they would have put before the court.

“The prosecution had a regular school for training and rehearsing its witnesses, and whoever was the most perfect—remembered his or her story the best—was put at the head of the class. Therefore, we would have made a very, very disastrous mistake in cross-examining any of them.”

“The state, in obtaining its witnesses, gave a bid to the discharged employee, the men or women who hated wealth and was willing to defeat it in the spirit of the anarchist, and the basely ignorant persons who were prejudiced against the Jew.”

Defense Was Trapped.

“We were trapped. We were between a conspiracy hatched up by Dorsey and his colleagues, the detectives, and a jury untrained in weighing the evidence and too frightened to do so had they been properly trained. Sure there was a conspiracy. It takes no power of divination to see that.”

“Why, during those old barbaric days of England, when a man was hanged for a list of 180-crimes that ran everywhere from stealing a handkerchief to committing murder, you would have found just such men as Dorsey and the police and detectives of Atlanta crying and yelping for the blood of the poor man on trial.”

“This veneer of civilization is mighty thin. It is thin on all of us. You don’t have to scratch down deep before you find the barbarian in any of us. We all have primeval instincts. We haven’t evolved so far that there isn’t much of the heathen smoldering in our nature and crying for outlet.”

Capital Punishment Going.

“Fifty years from today capital punishment will be abolished. Time rights all things. It is only evolution that civilizes us—growth—that’s all. It’s slow, but it’s sure. Remember, we use to have hairy backs and no language and tails that clung to limbs and held us in bed on a limb.”

“Some people say we are getting worse. But it’s not true. We are not. We are really getting better. It is true that we go through some frenzied periods of process now and then which gives these calamity howlers a chance to say we are getting worse, but they always end for good.”

“We will soon lose all the fangs of savagery, the chief one of them being capital punishment.”

“The trial of Leo Frank, gentlemen, is a reversion back to barbarism—one of the worst instances of reversion I have ever seen. There was something psychological about the situation. It reminded me of a wagon running downhill. The further it traveled the greater momentum it gained.”

Make Sport of Dr. Harris.

“Now, I’m coming to something in the case that causes me to laugh and feel sympathetic at the same. I am thinking of poor old Doc Harris—Roy Harris—the man who can look at a corpse and tell by the complexion of the nose the date of birth, religious beliefs and entire history. Wasn’t he a peach? He can’t do you any good when you’re alive, but he can certainly hold some autopsy on you when you pass beyond the pearly gates. That is, considering you go there.”

“If I were sick and saw Harris coming up the front steps, I’d say: ‘Wife, put crepe on the door, order my shroud and send for the cheapest undertaker in town. He’s a lallapaloosa. No wonder that ‘peach.’ Miss Daisy Hopkins, the fairest of the fair—according to one Mr. Jack Dalton—could sit in the witness stand perfectly still. Old Doc Harris had just been in it.”

“Harris lives just two doors above me. I had a case pertaining to the death of old Uncle Josh Crawford some time ago, and the first thing I knew Doc Harris had old Uncle Josh, who’d been dead for years, up in his cellar, grinding him up in a sausage mill. If I’d have known it at the time, I’d have moved from the neighborhood.”

“Your honor, we are not asking for so much as a new trial as we are asking for a trial, a real trial, a fair trial, which we didn’t get. We deserve a trial. Justice itself demands that we have one. You cannot allow the stream of purity to be polluted from which justice flows.”

“Some of these jurors have said that they were not influenced by the crowds and the demonstrations. Justice, however, says that you cannot take their opinions, that you must take the effect of such incidents as you see them yourself. Your honor has got to give a new trial simply on this one point if nothing else.”

Calls Jury Jaybirds.

“The jurors would naturally say that they were not affected. The jury, itself, I am afraid, did not feel as jurors should have felt. Why, when Dorsey was feeding poison to the court indirectly because he would not be allowed to do it directly, those twelve jaybirds say in the jury box with gaping mouths, gulping down with avidity everything that was said and done.”

“The trial of Frank was the unfairest, the most injurious, the most diabolical on record. There never was a persecution of a Jew so stinking since the crucifixion of Christ.”

Most of Arnold’s morning argument was devoted to bitter arraignment for Solicitor Dorsey for the solicitor’s alleged attitude toward Frank and for this tactics, which Arnold termed “nasty and unfair.”

At one time the speaker declared that a tramp would have been surer of justice and a fairer trial than Frank. This, he said, because of prejudice and feeling against Frank because he was a Jew.

He accused Dorsey of having brought in every conceivable crime to try the defendant on the lone charge of murder, and that these tactics were employed merely to prejudice the jury. “And,” he said, “to tell the truth. I don’t think it required much effort to prejudice that particular jury.”

Rosser to Conclude.

Mr. Arnold also dwelt at length upon the murder notes that were found beside the body. He declared that no white man, especially an intellectual man of Frank’s type, could have

composed the notes. Also that it should be proof conclusive of Conley's guilt when it was discovered that the notes were in his handwriting and language.

Mr. Arnold will resume his argument Monday morning at 9 o'clock in the state library, where the entire hearing is being held. He will be followed by Solicitor Dorsey and Frank Hooper will then speak for the state. The concluding speech will be made by Colonel Rosser.
